	Application No.	Applicant(s)
	10/081,806	PRUDENT ET AL.
Notice of Allowability	Examiner	Art Unit
	Jeffrey Siew	1637
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>4/26/04</u> .		
2.  The allowed claim(s) is/are <u>26-45,47-59 and 82-88.</u>		
3. 🔀 The drawings filed on <u>07 June 2002</u> are accepted by the Examiner.		
4.		
Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. ☐ Notice of Informal 6. ☐ Interview Summa Paper No./Mail D 08), 7. ☐ Examiner's Amen	I Patent Application (PTO-152) ary (PTO-413), Date

1. The following is an examiner's statement of reasons for allowance: Claims 26-45,47-59 & 82-88 are allowable. Concerning claims 26-45,47-59 there is no prior art that teach or suggest the method of cleavage involving the first oligonucleotide, second oligonucleotide or target comprising at least one nucleotide analog. Concerning claims 82-89 there is no prior art that teach or suggest the method of detecting by cleaving the cleavage structure with second nucleic acid complementary to first section and its 3' end not extendable by polymerase when hybridized. The closest prior art is Barany et al (PNAS88:189 (1991)) who teach a target and at least a first and second oliognucleotide with ligase to amplify and detect mutations. However they do not teach or suggest cleavage or nucleotide analogs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## **CONCLUSION**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Siew who can be reached at 571-272-0787. The e-mail address is Jeffrey.Siew@uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route. The examiner is on flex-time schedule and can best be reached on weekdays from 6:30 a.m. to 3 p.m. If attempts to reach

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the examiner are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (571)272-0782.

Any inquiry of a general nature, matching or filed papers or relating to the status of this application or proceeding should be directed to the <u>Tracey Johnson</u> for Art Unit 1637 whose telephone number is (571)272-0534.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The 1600 Tech Center FAX is (703)-872-9306.

JEFFRÉY SIEW RIMARY EXAMINER

June 26, 2004